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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

CHRISTOPHE BOYER et al.

Examiner: GRIFFIN, WALTER DEAN

Serial No.: 09/930,201

Group Art Unit: 1764

Filed: 8/16/01

Title: DISTRIBUTION DEVICE FOR PRODUCING A POLYPHASE MIXTURE AND  
ASSOCIATED REACTOR

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop - ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The reasons for allowance accompanying the Notice of Allowance appear to base patentability solely on the diameter of the tubes and distance between orifices in the device of the claims. However, it is evident from the record that ample other basis for patentability exist. In particular, it can be seen that the Förster reference, which discloses a method for producing a homogenous gas mixture from two gas streams, does not suggest gas/liquid mixing ("polyphasic" mixing) such as that of the present invention where a liquid first fluid is mixed with an essentially gaseous second fluid. As a result, the cited reference is non-analogous art, under the rationale of *In re Clay*, 966 F.2d 656, 23 USPQ2d, 1058 (Fed. Cir. 1992). It is submitted that this provides further basis for patentability, beyond any reason discussed in the Reasons for

Allowance

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted (703-872-9306) to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below

Name: Harry D. Shubin Reg. No. 32,004

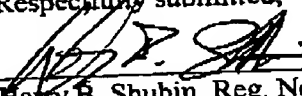
Signature: [Signature]

Date: October 26, 2004

DOCKET NO.: PET-1945

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
Harry B. Shubin, Reg. No. 32,004  
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